

Civil Enforcement Case Report

Civil Enforcement Case

Basic Information

Case Number: 02-2008-0012
Case Name: E.I. DuPont de Nemours and Company
Case Category: Judicial
Case Status (as of 12/19/2017): Closed
Case Lead: EPA
Court Docket Number: 1:13-cv-00810-WMS
DOJ Docket Number: --

Relief Sought: --

Enforcement Outcome: Final Order With Penalty

Headquarters Division: --

Branch: AIR

Result of Voluntary Disclosure? No

Multi-media Case? --

Enforcement Type: Civil Judicial Action

Violations: Failure To File Reports, General Facility Requirements, National Emission Standard For Hazardous Air Pollutant, Pretreatment Violation, Toxic Release Inventory (Section 313), Violation Of A Permit Requirement

Penalties – Case Level

Total Federal Penalty Assessed or Agreed To: \$440,000

Total State/Local Penalty Assessed: \$0

Total SEP Cost: \$0

Total Compliance Action Cost: \$4,380,000

Total Cost Recovery: \$0

Case Summary

Among other violations, the complaint alleges the Defendant's facility did not have the proper operating parameters for its pollution control equipment and failed to maintain a monitoring system for the equipment. The complaint also alleges that the company violated several reporting requirements and underreported air pollution on its annual EPCRA statements. Under the finalized and approved agreement, the Defendant will test and properly operate emission monitoring systems, conduct a test of emissions coming from its stack to demonstrate compliance with the Clean Air Act, enable proper operation of the air pollution monitoring systems, and pay a penalty of \$440,000.

Laws and Sections

Law	Sections	Programs
CAA	114, 502, 112	Operating Permits (Title V), Record keeping Inspection Information Request, Hazardous Air Pollutants

Citations

Title	Part	Section
40 CFR	122	--
40 CFR	63	SUBPART T
40 CFR	403	--
40 CFR	372	--

Law	Sections	Programs
CWA	301, 301/307, 308	Effluent Limitations - NPDES Toxic & Pretreatment Effluent Standards, Information Request Records Entry, NPDES Discharge without a Permit
EPCRA	313	Toxic Chemical Release Reporting (TRI)
RCRA	3005	Permits for Treatment Storage or Disposal of Hazardous Waste

Title	Part	Section
40 CFR	63	SUBPART JJJ
40 CFR	265	--
40 CFR	414	--

Facilities

FRS Number	Facility Name	Address	City Name	State	Zip	SIC Codes	NAIC Codes
110007997953	E I DUPONT YERKES PLANT	3115 RIVER RD	BUFFALO	NY	14207	3081 3088	326113

Defendants

Defendants and Settlements	In Complaint	In Settlement
E.I. DuPont de Nemours and Company	Y	Y

Related Case Documents

Document	Facility Name	Publish Date	EPA Program
No data records returned			

Case Milestones

Event	Actual Date
Referred To Dept Of Justice	03/28/2008
Enforcement Action Data Entered	03/31/2008
Complaint Filed With Court	08/06/2013
Final Order Lodged	08/07/2013
Concluded	07/17/2014
Final Order Entered	07/17/2014
Air Resolved	12/19/2017
Enforcement Action Closed	12/19/2017

Pollutants

Pollutant Name	Chemical Abstract Number
Wastewater	--

Related Activities

Description	Actual Date
Inspection/Evaluation	09/28/2006

Final Order 1

Final Order Type: Consent Decree or Court Order Resolving a Civil Judicial Action

Final Order Name: E.I. DuPont de Nemours and Company

Linked Facilities (FRS ID): 110007997953

Final Order Lodged Date: 08/07/2013

Final Order Entered Date: 07/17/2014

Enforcement Action Closed Date: 12/19/2017

Actual Termination Date: 12/19/2017

Penalties/SEPs/Cost Recovery Amounts

Federal Penalty Assessed or Agreed To: \$440,000

State/Local Penalty Assessed: --

SEP Value: --

Compliance Action Cost: \$4,380,000

Federal Cost Recovery Awarded: \$0

Complying Actions

Complying Action ID	Category	Description
3400015445	Work Practices	Testing/Sampling
3400015446	Work Practices	Work Practices
3400015687	Reduction of Ongoing Releases	Emissions Change

Supplemental Environmental Projects

SEP ID	Category	SEP Value	Description
No data records returned			

Pollutant Reductions

Resulting From	Pollutant	Annual Amount	Units	Media Affected
CA ID 3400015687	Total hazardous air pollutants	15,856	PNDSYR	Air